

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

AGERE SYSTEMS INC.

Plaintiff,

v.

ATMEL CORPORATION

Defendant.

Case No.: 02-864 (LDD)

AGERE'S MOTION FOR LEAVE TO FILE A SURREPLY

Pursuant to Local Rule 7.1(c) and the Policies and Procedures of this Court, Agere Systems Inc. respectfully moves for leave to file the attached Surreply in opposition to Rohm's motion to intervene and modify this Court's June 19, 2006 Order dismissing the underlying action. As detailed therein, the Surreply is offered to expose deficiencies and rebut factual assertions and issues raised in Rohm's Reply.

Dated: August 2, 2006

/s/ Timothy K. Gilman

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AGERE SYSTEMS INC.

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Case No.: 02-864 (LDD)

**AGERE'S SURREPLY IN OPPOSITION TO NON-PARTY ROHM COMPANY,
LIMITED'S MOTION TO INTERVENE AND FOR MODIFICATION OF THE
COURT'S JUNE 19, 2006 ORDER DISMISSING THE UNDERLYING ACTION**

**SURREPLY BRIEF
FILED UNDER SEAL**

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of August 2006, copies of the foregoing (1) Agere's Motion For Leave To File A Surreply; and (2) Agere's Surreply In Opposition To Non-Party Rohm Company, Limited's Motion To Intervene And Modify The Court's June 19, 2006 Order Dismissing The Underlying Action were served on counsel for Defendant Atmel and non-party Rohm as set forth below:

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